

Exhibit 1

Case 06-10725-lbr Doc 7136 Entered 05/21/09 15:04:50 Page 1 of 4



1
2
3
4
Entered on Docket
May 21, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

5
LEWIS AND ROCA LLP

6 Rob Charles (NV 6593)
7 John Hinderaker (AZ 018024)
8 3993 Howard Hughes Parkway, Ste. 600
9 Las Vegas, Nevada 89169-5996
Telephone (520) 629-4427
Facsimile (520) 879-4705
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

10 Attorneys for USACM Liquidating Trust

11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF NEVADA**

13 In re:

14 USA COMMERCIAL MORTGAGE COMPANY,

15 USA CAPITAL REALTY ADVISORS, LLC,¹

16 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

17 USA CAPITAL FIRST TRUST DEED FUND, LLC,²

18 USA SECURITIES, LLC,³

19 Debtors.

20 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF NEWBY 1984 FAMILY TRUST
DATED 3/19/84 AS FILED PARTIALLY
IN WRONG DEBTOR'S CASE;
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

24
25
26
¹ This bankruptcy case was closed on September 23, 2008.
² This bankruptcy case was closed on October 12, 2007.
³ This bankruptcy case was closed on December 21, 2007.



1 The Court having considered the "Objection of USACM Trust to Proof of Claim of
2 Newby 1984 Family Trust Dated 3/19/84 As Filed Partially in Wrong Debtor's Case;
3 Objection of DTDF to Proposed Allowance of Claim" [Docket No. 6961] (the
4 "Objection"); with appropriate notice of the Objection having been given; with no
5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection to proof of claim No. 10725-02487 filed by Newby 1984
8 Family Trust Dated 3/19/84 ("Newby") is sustained;
9 2. \$144,000 of Newby's \$345,000.00 claim against USACM is disallowed;
10 3. Any proposed allowance of Newby's claim in the DTDF case is disallowed;
11 4. Newby is allowed to retain an equity interest in DTDF in the amount of
12 \$144,141.97 as reflected in the books and records of DTDF as of April 13, 2006; and
13 5. Nothing in this order should prejudice the rights of USACM Trust to file
14 further objections to any portion of the claim.

15
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18 By /s/ John Hinderaker (018024)

19 Rob Charles
20 John Hinderaker

21 3993 Howard Hughes Parkway, Ste. 600
22 Las Vegas, Nevada 89169-5996

23 Telephone: (520) 629-4427
24 Facsimile: (520) 879-4705

25
26 *Attorneys for USACM Liquidating Trust*



1 APPROVED/DISAPPROVED

2

3 By: August Landis
4 Assistant United States Trustee

5

6 APPROVED/DISAPPROVED

7

8 By: /s/ Claire Dossier
9 Claire Dossier
10 SNELL & WILMER, LLP
11 Attorneys for USA Capital Diversified Trust Deed Fund

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26



1 In accordance with Local Rule 9021, the undersigned certifies:

2 The Court waived the requirements of LR 9021.

3 No parties appeared or filed written objections, and there is no trustee appointed
4 in this case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
7 appointed in this case, and each has approved or disapproved the order, or failed
to respond, as indicated below (list each party and whether the party has
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party: Claire Dossier	
12 <input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles
John Hinderaker
20 *Attorneys for USACM Liquidating Trust*